

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MONELLO LANDSCAPE INDUSTRIES,
LLC,

Plaintiff,

v.

HATCH LANDSCAPE & DESIGN, INC.,

Defendant.

Civil Action No. 16-5803

ORDER

John Michael Vazquez, U.S.D.J.

THIS MATTER comes before the Court by way of a letter submitted on the docket on May 30, 2017 by Plaintiff Monello Landscape Industries, LLC (D.E. 15); and it

APPEARING that there is a Motion for Default Judgment as to Defendant Hatch Landscape & Design, Inc. (D.E. 7) and a Cross-Motion to Vacate the Default and Transfer the Matter (D.E. 9) presently pending before this Court; and

APPEARING that in Plaintiff's May 30 letter, Plaintiff consents to withdrawing its Motion for Default Judgment and vacating the default that was entered against Defendant. Plaintiff's consent is predicated upon the preservation of its rights to seek attorneys' fees in connection with the motion and with the understanding that Defendant's cross-motion will be administratively terminated.

CONSEQUENTLY, for good cause shown,

IT IS on this 31st day of May, 2017

ORDERED that the pending motions, D.E. 7 and 9, are hereby **TERMINATED**; and it is further

ORDERED that the Clerk's entry of default as to Defendant, which was entered on October 25, 2016, is hereby vacated; and it is further

ORDERED that this Order does not prejudice Plaintiff's right to seek appropriate attorneys' fees in connection with its Motion for Default Judgment (D.E. 7) at a later date, if it chooses to do so.


John Michael Vazquez, U.S.D.J.